

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Into Distributed
Generation.

Rulemaking 99-10-025
(Filed October 21, 1999)

**ADMINISTRATIVE LAW JUDGE'S RULING
TO IMPLEMENT PUBLIC UTILITIES CODE SECTION 353.15**

This ruling sets forth the data collection process to implement Pub. Util. Code § 353.15. Senate Bill X1-28, Chapter 12, Stats. 2001, added Article 3.5 (including § 353.15) to the Public Utilities Code. This article, among other provisions, calls for the Commission to evaluate efficiency, emissions, and reliability of distributed energy resources over 10 kilowatts of generating capacity that take service under the utility tariffs developed pursuant to SB X1-28. The evaluation is to be made based on three specific pieces of data provided by the distributed energy resources customer: 1) individual generating unit heat rates, 2) total kilowatt-hours (kWh) produced in peak and off-peak periods, and 3) distributed energy resource emissions data as required by the California Air Resources Board (CARB) or appropriate local air pollution or air management districts. The Commission, in consultation with the California Energy Commission (CEC), CARB, and local agencies, will evaluate the distributed generation customer information, and recommend any necessary changes in a report to the Governor and the Legislature.

In order to facilitate the data collection, the utilities are directed to assist in obtaining the data required from distributed energy resource customers.

Specifically, the utilities should submit to the CEC and Energy Division a list identifying customers that are served under the SB X1-28 tariff, including relevant contact information, under seal. The utilities will then contact customers to obtain the individual heat rates, peak/off-peak kWh usage, and emissions data should be obtained for each month between May 1, 2001 and December 31, 2002, as well as the cumulative annual totals as described in § 353.15. This individual customer information will be maintained in a confidential manner by the utilities. The utilities should then transmit this data to the CEC and Energy Division, who will also maintain it in a confidential manner.

The Energy Division and the CEC will also work with CARB to determine which distributed energy resource units are subject to reporting requirements by state and local air quality agencies. Most distributed energy resources were exempted from state and local permitting requirements until fairly recently, which could limit the number of units subject to the § 353.15 emissions data collection requirement.

Within 20 days, the utilities should confer amongst themselves and with the CEC and Energy Division Staff to develop a common reporting format for the information described above. The utilities should then contact the distributed energy resource customers to collect the heat rate, usage, and emissions information for their generating units and transmit it to the CED and Energy Division within 55 days of the date of this ruling.

Therefore, **IT IS RULED** that:

1. Respondent utilities shall provide the California Energy Commission (CEC) and Energy Division with the identities of distributed energy resource

customers served by the tariffs developed under § 353.13 and customer contact information within 20 days.

2. The utilities shall contact the distributed energy resource customers served under SB X1-28 tariffs to collect the heat rate, usage, and emissions information for their generating units and transmit it to the CEC and Energy Division within 55 days of the date of this ruling.

Dated March 26, 2003, at San Francisco, California.

/s/ MICHELLE COOKE

Michelle Cooke
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling to Implement Public Utilities Code Section 353.15 on all parties of record in this proceeding or their attorneys of record.

Dated March 26, 2003, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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